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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,150	03/22/2006	Gordon Schweizer	40149/01201	3160

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EXAMINER	
SPISICH, GEORGE D	

ART UNIT	PAPER NUMBER
3616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,150	SCHWEIZER ET AL.	
	Examiner	Art Unit	
	GEORGE D. SPISICH	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *17 and 18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/22/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Invention I (claims 1-16) in the reply filed on November 21, 2008 is acknowledged. The traversal is on the ground(s) that Claims 1 and 17 include the same novel and corresponding special technical features. This is not found persuasive because while claims 1 and 17 include many structural details that are the same, the method of using a rear foaming tool and rear foaming method in claim 17 in the method of making the apparatus of claim 1 is considered to lack the same special technical feature of the structure in claim 1. The presence of similar structure in the method claim is not sufficient to define the special technical feature of the method of making the device as the structure of the airbag, especially when in a method of making claim.

The requirement is still deemed proper and is therefore made FINAL.

Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 21, 2008.

Claims 1-16 have been elected and have been examined in this Office Action.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It was not executed in accordance with either 37 CFR 1.66 or 1.68.

The first inventor, Gordon Schweizer, has not dated the oath/declaration.

Specification

The disclosure is objected to because of the following informalities:

On page 8, in the Brief Description of the Drawings, in lines 4-5 of the Description of Figure 1, it is stated that the interior trim part is “arranged behind the one airbag module”. The term “behind” is unclear and renders this term unclear throughout the specification. It would appear that the interior part is “above” or "in front of" as this is the orientation in the vehicle and in operation of the airbag. Applicant should relate the structural elements with respect to other structure.

On page 9, [0030], “In the picture to the left" is unclear. Examiner believes Applicant is referring to the left side of the Figure 1 and should use these terms.

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inlay

being at least (and completely in claim 2) penetrated by the foam (in claim 1, and claim 16) must be shown or the feature(s) canceled from the claim(s). It is unclear from the Specification and the Figures how the inlay is “penetrated” by the foam. Furthermore the term "intermediate" is defined as "in between" and the foam layer in Figure 1 does not appear to be "intermediate". Examiner believes this language requires an intermediate foam layer in between the surface decor layer and the inlay, and the inlay is "at least partly/completely" penetrated by the foam of the intermediate layer. Should Applicant only intend to include a foam intermediate layer away from the airbag opening (as what appears to be shown in Figure 1), then Examiner would argue that it is not an “intermediate layer” and the inlay is not “applied to the intermediate layer” (claim 1 and 16) since it would not be an intermediate layer with respect to the inlay/opening region of Applicant's invention. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining

figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear what is disclosed (and shown in the Figures) as the “intermediate layer" and the “inlay applied to the intermediate layer” such that the foam of the intermediate layer at least party/completely penetrates the inlay. This is due to the confusing Figures, especially what should be shown in Figure 1.

It is unclear how any structure of the interior trim panel would “vary the amount of energy absorbed by the release of the intermediate layer based on the opening impact of the airbag” (end of claim 1 and 16). Examiner is considering

this limitation to be inherent in any layered foam airbag/interior trim part when the intensity of the opening of the airbag varies according to differing opening forces based on plural stage inflation, etc.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 and claim 16, the terms "the inlay furthermore being at least partly penetrated by the foam forming the intermediate layer" are unclear. From Figure 1, it is not shown how the foam penetrates the inlay, nor does it show an intermediate layer to which the inlay is applied. Figure 1 appears to only show foam on the edges of the inlay and Examiner is unsure if this is Applicant's invention as this would not be consistent with the "terms" discussed above. Examiner is considering the foam layer to be intermediate the surface décor layer and the inlay (such that the foam layer extends over the entire opening) and the foam penetrates the inlay.

Claims 1, lines 14-17 and claim 16, line 15-19 are unclear. It is unclear how the amount of energy absorbed by the release of the intermediate layer varies. Examiner is considering this limitation to be inherent in any foam layered interior trim part/door with respect to inflation intensities that vary (which is well known in the airbag art).

Claim 3, line 2 is unclear. It is unclear what a "spacer" fabric is.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,5-8,12,15 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by DE 101 35 224 (cited by Applicant).

DE '224 discloses an instrument panel/trim part for covering an airbag (60) comprising a 2-dimensional carrier (54) including a through opening for the airbag recessed therein, a surface décor (16), a foam intermediate layer (14) and an inlay (40,44) applied to the intermediate layer and covering the through opening. The inlay projects beyond edge (near 34) of the through opening on one side to overlap a region of the carrier to form a hinge of the airbag flap formed by the surface décor and the intermediate layer with the inlay. The inlay is at least partly penetrated by the foam (due to at least the projections 44 that allow for the penetration of the foam) so that the foam effects a connection of the inlay to the carrier so that an amount of energy absorbed by the release of the intermediate layer with the inlay from the overlapped region of the carrier varies based on an intensity of an opening impact of the airbag. This would be an inherent operation of a foam door disclosed by DE '224.

The inlay is fastened via a bolt, rivet or screw (56) as this arrangement is one integral arrangement and the connections at 34 combined with the fastener 56 allow the inlay to be fastened. This is fastened opposite the edge of the hinged side of the through opening.

The intermediate layer is weakened (at 50) at least on one side not forming the hinged portion between the intermediate layer and the carrier.

An element (58) that is a non-woven fabric is applied "behind" the inlay.

Due to the protrusions that house the airbag, it is considered that the carrier is reinforced on the edge of the through opening by one of at least a plastic frame and a metal frame.

Claim Rejections - 35 USC § 103

Claims 3,4,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 101 35 224 (cited by Applicant).

DE '224 has been discussed in the previous rejection, however does not specifically disclose the material of the inlay as a "spacer" fabric or a thread fabric or overlapping the inlay over the through opening by 4 or 7 cm.

With respect to the material of the inlay, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any known material such as a "spacer" or thread fabric since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to the dimensional overlap of the inlay and the through opening, it would have been obvious to one having ordinary skill in the art at the time the invention was made overlap the inlay in the dimensions claimed since providing a necessary overlap would have been obvious based on the scale necessary in the arrangement on a particular instrument panel and stable structure for the hinge portion of the airbag.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE '224 in view of Schmidt et al. (USPN 6,612,608).

DE '224 has been previously discussed, but does not disclose at least one of a film and a non-woven fabric sewn or bonded behind the inlay.

Schmidt et al. discloses a structure that is bonded, either directly or indirectly behind an airbag door. This additional structure serves to strengthen the door and bonding is a well known manner of connecting elements/layer of an airbag door.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach element 58 of DE '224 to the inlay (40) as bonding elements/layer of an airbag door is well known and an economical way to manufacture the door and as it is further taught by Schmidt et al.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE '224 in view of Kawakubo et al. (USPN 6,447,004).

DE '224 has been previously discussed, however does not disclose the materials of the intermediate layer as polyurethane foam and the carrier as polypropylene.

Kawakubo et al. (see col. 3, lines 12-24) discloses an airbag door arrangement having a foam layer (3) that is a polyurethane foam and a carrier member (4) that is a polypropylene. These materials are well known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the interior trim part of DE '224 by using a polyurethane foam for the intermediate layer and a polypropylene material for the carrier layer as there materials are well known and also taught by Kawakubo et al. and are light and readily available and perform well in the airbag door environment.

Claims 1-8,10-12,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (USPN 5,863,062) in view of Hirabayashi (USPN 4,911,471).

Hirada et al. discloses an instrument panel/trim part for covering an airbag (60) comprising a 2-dimensional carrier (21) including a through opening for the airbag recessed therein, a surface décor (10), and a foam intermediate layer (35).

Harada et al. does not disclose an inlay that is at least partly/completely penetrated by the foam of the intermediate layer.

Hirabayashi discloses a well known manner or creating an airbag door, that being to provide an inlay that is a reinforcement cloth. This is shown as element 13. In this arrangement, the foam would broadly be considered to at least partly and completely penetrate the inlay/reinforcement cloth. This inlay extends over the through opening of the airbag and extends a dimension beyond the edge of the through opening.

The arrangement of Harada et al. is fastened via a bolt, rivet or screw (37). This is fastened opposite the edge of the hinged side of the through opening.

Housing "C" of the airbag module of Harada et al. is a plastic or metal frame that reinforces the edge of the through opening.

The intermediate layer is weakened (at 11) at least on one side not forming the hinged portion between the intermediate layer and the carrier.

An element (31) that is a non-woven fabric is applied "behind" the inlay.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag door of Harada et al. by providing an reinforcing cloth inlay within the foam intermediate layer and across the through opening as taught by Kirabayashi so as to strengthen the door.

With respect to the dimensional overlap of the inlay and the through opening, it would have been obvious to one having ordinary skill in the art at the time the invention was made overlap the inlay in the dimensions claimed since provided a necessary overlap would have been obvious based on the scale necessary in the arrangement on a particular instrument panel to sufficiently

allow for the attachment and reinforcement of the door. Applicant is reminded that “the edge” in claims 11 and 14 refers back to the hinge edge of claim 1.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Hirabayashi as applied to claims 1-8,10-12,15 and 16 above, and further in view of Schmidt et al. (USPN 6,612,608).

Harada et al. in view of Hirabayashi has been previously discussed, but does not disclose the at least one of a film and a non-woven fabric (31) being sewn or bonded behind the inlay.

Schmidt et al. discloses a structure that is bonded, either directly or indirectly behind an airbag door. This additional structure serves to strengthen the door and bonding is a well known manner of connecting elements/layer of an airbag door. Since these pieces are integral, any "bonding" or "attaching" would be considered to be bonded to all structural elements of the arrangement including the inlay.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach element 31 of Harada et al. by bonding as bonding elements/layer of an airbag door is well known and an economical way to manufacture the door and as it is further taught by Schmidt et al.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Hirabayashi as applied to claims 1-

8,10-12,15 and 16 above, and further in view of Hawakubo et al. (USPN 6,447,004).

Harada et al. in view of Hirabayashi has been previously discussed, however does not disclose the materials of the intermediate layer as polyurethane foam and the carrier as polypropylene.

Kawakubo et al. (see col. 3, lines 12-24) discloses an airbag door arrangement having a foam layer (3) that is a polyurethane foam and a carrier member (4) that is a polypropylene. These materials are well known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the interior trim part of Harada et al. in view of Hirabayashi by using a polyurethane foam for the intermediate layer and a polypropylene material for the carrier layer as there materials are well known and also taught by Kawakubo et al. and are light and readily available and perform well in the airbag door environment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various documents relating to Applicant's claimed invention are: Arieth et al. (USPUB 2003/0132621), Mayer et al. (USPN 6,651,998), Dominque et al. (USPN 6,158,763), Gray et al. (USPN 6,123,356), Dixon et al. (USPN 5,080,393), MacGregor (USPN 5,590,901), Iannazzi et al. (USPN 5,527,574), Gardner, Jr (USPN 6,753,057), Gardner et al. (USPN 6,210,614), Shiraki et al. (USPN 4,852,907).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571)272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

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